

Response
Application No. 10/686,710
Attorney Docket No. 032024

REMARKS

Please reconsider the application in view of the above amendments and the following remarks.

Status of Claims

Claim 2- 5 have been amended. Applicants submit that no new matter has been added to the application by way of the above Amendment. Accordingly, the entry of the Amendment is respectfully requested.

Specification

The Examiner has objected to the abstract because of improper language and format. A new abstract has been provided. Applicants submit that the new abstract overcomes the objection. As such, applicants request that the objection be withdrawn.

Drawings

Figures 2, 3 and 6 are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “S7”, “S8”, “S9” and “S13” have been used to designate multiple events.

To overcome the objection and to maintain consistency with the specification and the other figures, applicants submit a replacement sheet of FIG. 6 that replaces S7, S8, and S9 with S8, S9, and S10, respectively. Further, S13 is replaced with S14. Applicants submit that the corrected drawings comply with the requirements of 37 CFR 1.84. Accordingly, applicants request that the objection be withdrawn.

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Claim Objections

The Examiner has objected to claims 1-5 because the character spacing is condensed and inconsistent. Furthermore, the Examiner objects to claims 3 and 5 because their reference subject matter is not found in claim 1. The condensed and inconsistent character spacing in claims 1-5 has been corrected. In addition, applicants have amended claims 3 and 5 to overcome the objection. Accordingly, applicants request that the objection be withdrawn.

Claim Rejections - 35 U.S.C. §102

The Examiner has rejected Claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Kenner et al (US Patent 5,956,716). Applicants respectfully traverse this rejection.

Independent claim 1

In order for a reference to anticipate an invention, the reference must teach each and every element of the claimed invention. Claim 1 is drawn to *a moving picture file distributing device which receives a moving picture file by uploading and stores it in storage means, and distributes the moving picture file stored in the storage means to a client by downloading, comprising: upload buffer generating means for dynamically generating an upload buffer for temporarily holding a moving picture file at the time of reception for each session....* On page 3, item 5 of the Office Action, Kenner is alleged to teach or describe each and every element of the invention in claim 1.

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However, Applicants respectfully disagree because Kenner teaches the system for delivery of the video data that collects video clips from other hosts, and **only downloads the video clips to a user's terminal.**

In contrast, the moving picture file distributing device of the present invention in claim 1 receives a moving picture file from image pickup terminals and the like **by uploading, and meets download request from a client and downloads a moving picture file to the client.** Therefore, because of the abovementioned reasons, the moving picture file distributing device of the present invention in claim 1 is **completely different** from the system for delivery of the video data of Kenner..

In addition, Applicants argue that Kenner does not describe an upload buffer generating means as recited in claim 1 of the present application.

Kenner relates to a system and method for delivery of video data over a computer network and describes a Data Sequencing Interface ("DSI") which collects video clips and downloads the clips to a user's terminal. (Kenner; Abstract). In the Office Action at page 4, the Examiner contends that the recitation of claim 1 of an upload buffer generating means for dynamically generating an upload buffer is described by the DSL of Kenner. The Examiner further asserts on the same page, "... the same storage logic is inherent to the device and applied not only for the downloading but also for uploading video data as discussed in this section.)"

Accordingly, Applicants respectfully disagree with the Examiner's aforementioned assertion. The cited art specifically describes the DSI as collecting the requested video clips

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from the appropriate extended and remote SRUs and transmitting this information to the local SRUs. (Kenner; column 5, lines 13-15). The reference further states that in a preferred embodiment, the DSI determines the most appropriate routes and schedules for downloading requested information, to provide fast and efficient service to the user without unduly taxing the shared components of the system. (Kenner; column 5, lines 26-30).

Applicants believe that Kenner's failure to describe an upload buffer generating means for dynamically generating an upload buffer is furthered by FIG. 2 which specifically illustrates a "DSI Download Buffer." Moreover, none of the illustrations provide for or describe a DSI Upload Buffer.

As noted above, in order for a reference to anticipate an invention, the reference must teach each and every element of the claimed invention. Since Kenner fails to describe at least the aforementioned recitation of claim 1, it does not anticipate the embodiments of claims 1-5. Accordingly, Applicants submit that the rejection under 35 U.S.C. §102 is improper and respectfully request that it be withdrawn.

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Conclusion

The claims have been shown to be allowable over the prior art. Applicants believe that this paper is responsive to each and every ground of rejection cited in the Office Action in the Action dated October 26, 2007, and respectfully request favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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